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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,790	06/28/2001	Ki-Ook Park	P56525RE	1084

8439 7590 05/24/2005

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EXAMINER

TUPPER, ROBERT S

ART UNIT PAPER NUMBER

2652

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The third reply brief filed 10/25/04 will NOT be entered.
2. The reply brief filed 10/25/04 does not comply with 37 CFR 1.193(b)(1) because it was not filed within two months of the mailing date of the Examiner's Answer (2/27/03).
3. Applicant appears to argue that the communication from the Examiner of 8/23/04 was a reopening of prosecution, thus allowing the filing of another reply brief.

This is in error. That communication was merely a notice of withdrawal of one of the rejections on appeal. This was merely a notice of change in status of some claims. The communication specifically stated that NO other changes were made to the Examiner's Answer. No response period was set. This was clearly NOT a reopening of prosecution.

In the remarks included in the amendment of 10/18/04 Applicant incorrectly states that he expected a "second Examiner's Answer" to be issued to confirm the withdrawal of the rejection of claims 21-51 under 35 USC 251.

Applicant was never told that a "second" or supplemental Examiner's Answer would be issued. In fact Applicant was specifically informed that withdrawal of that one rejection on appeal was the only change being made to the Examiner's Answer, and that notice would be given using a communication without a period for response since no response was required or proper.

Note that in MPEP section 1208.03 there is a specific statement that an indication of change in status of claims (e.g. that certain rejections have been withdrawn as a result of a reply brief) is not a supplemental Examiner's Answer. The fact that here

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the withdrawal was done in response to a remand from the Board for the Examiner to consider the impact of an intervening decision does not change the significance of the notice of withdrawal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert S. Tupper whose telephone number is 703-308-1601. The examiner can normally be reached on Mon - Fri, 6:00 AM - 3:30 PM (first Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 703-305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert S Tupper
Primary Examiner
Art Unit 2652

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